

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE: B-212544

DATE: October 24, 1983

MATTER OF: The Trade Group

## DIGEST:

Protest contending that agency improperly conducted an auction between dealer (protester) and manufacturer (awardee) by first soliciting an oral quote from the awardee, then soliciting a quote from the protester, and finally returning to the awardee for a second quotation is denied where agency denies allegation and protester has not furnished evidence in support of its position.

The Trade Group (TTG) protests the Department of the Air Force's (Air Force) award of a contract to Worth Manufacturing Company (Worth) on the basis of an oral quotation under request for quotation (RFQ) No. F04609-83-M-1660 issued by George Air Force Base, California, for a lift truck. TTG reports that after the Air Force had received quotes from both Worth and TTG, it returned to Worth and told Worth that it would have to better TTG's quotation. TTG alleges that Worth did this and subsequently received the award. TTG urges that this is tantamount to an auction and highly irregular.

The Air Force denies both receiving more than one quotation from Worth and disclosure of TTG's price to Worth.

TTG has the responsibility of presenting sufficient evidence to affirmatively establish its position. Phelps Protection Systems Inc., B-181148, November 7, 1974, 74-2 CPD 244. We do not, as TTG requests, conduct investigations for the purpose of establishing the validity of a protester's speculative statements. Mission Economic Development Association, B-182686, August 2, 1976, 76-2 CPD 105. Where an agency denies the protester's contention and the protester fails to furnish the required probative evidence, the contention is speculative and the protester has not met its burden of proof. Mission Economic Development Association, supra.

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Since TTG has failed to furnish the required evidence in support of its position, the protest is denied.

*for* *Milton J. Dorlan*  
Comptroller General  
of the United States